

# AN EMPIRICAL STUDY OF THE TREND AND PATTERN OF VIDEO-FILM PIRACY IN NIGERIA

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## Abstract

Piracy is allegedly threatening the survival of the film and video industries worldwide, particularly in countries with developed film industries. Investors in the film industries have alleged that, video piracy has led to huge losses, thereby threatening their survival. Although, some studies have been conducted on the global trend of film and video piracy particularly on the situations in the United States of America, Britain, France and India among others, only few studies have been conducted on the video piracy phenomenon in Nigeria despite the fact that, the country has the second largest video industry in the world. Besides the studies on the Nigerian scenario being few, only one of such studies has been conducted from insider's perspective. Consequently, the studies are not exhaustive, hence the need for an exhaustive empirical study on the trend and pattern of video piracy in Nigeria. This study's main objective is to investigate and analyze the trend, pattern and dynamics of video piracy as it affects the Nigerian video industry. The qualitative design was adopted for the study, while the combined methods of in-depth interview, focus group discussion and documents analysis were used for data collection. A triangulation of the interpretive and critical analytical techniques were also adopted for the data analysis within the diffusion of innovation theoretical framework for this study which made the following findings that; the rate of video piracy in Nigeria is alarming and dangerous; that video pirates conduct their activities with sophisticated technology and high level criminality; that, video piracy trend has taken an endangering ethnic dimension capable of causing ethnic conflict between two major ethnic groups, (Yoruba and Igbo) in Nigeria. The prevalence of television and internet piracy as well as the multiple-in-one DVD piracy format also forms part of the major findings

of this study. This study updates and enriches general knowledge on videography and video piracy phenomenon in particular.

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**Keywords:** Video Piracy, Multiple-in-one DVD Format, Diffusion of Innovation Theory

## **Introduction**

In some countries of the world particularly in the nations with big film and video industries like the United States of America (USA), India, Britain and France among others, it has been alleged that video piracy has been a thorn in the flesh of those countries film industries and economies. Various types of video piracy have been identified and documented in those countries, ranging from CD and DVD piracy, television piracy, software piracy music and video games, as well as internet and video piracy. Film and video producers and investors across many countries have lamented seriously on the worsening encroachment and attack of video piracy on their investments. In the United States of America (USA), the operators of the Hollywood, the popular American film empire, are said to be seriously bothered as piracy is seriously threatening the age long popular carrier industry, while video producers and investors are said to be losing billions of US dollars, with the entire US economy losses through piracy estimated as billions of dollars (LEK study report, 2004).

In a similar dimension, the Association Against Audio Visual Piracy (ALPA), (2008) a French anti-piracy outfit, raised a shocking alarm that, illegal downloads of movies in France have reached a dangerous level, and feared that, the trend if not curbed could eventually pulled down the industry and puts producers and investors out of business. ALPA in another special report claimed that, “illegal downloads of popular films are nearly numerous as box office visits” (Cheng, 2008).

The trends of video-film piracy are also said to be high in the United Kingdom (UK), Canada and Australia, such that, it is common to find severe penalties for violating the copyrights and intellectual property laws, and such provisions with the potential of “million dollar” fines and prison sentences (Geist, 2007). Motion Picture Association of America [MPAA], (2005) further argued that optical disc piracy is very high in the Indian film space and that the trend is seriously affecting theatre revenues. It also reports a loss of USD 186 million in India.

A special report by the Entertainment Software Association [ESA] also noted that, “Malaysia and China are top on the list of countries pirating most soft-wares including video games” (ESA, 2005). The International Intellectual Property Alliance (IIPA), Special 301 report also supported this assertion as it stated that, Malaysia operations remain top producer

of pirated discs and further confirmed that Malaysian factory-made game and software dubs have been seized severally in Europe, Asia, the Middle East, Latin America, the US and South Africa (IIPA, 2009).

China was also indicted as a close second pirate nation according to the report, as its pirated materials were alleged to have constituted 90 percent of its total software and video games market (Winegarner, 2005). Patrick, (2008) also reported that Malaysia was listed on the global piracy watch list. The report however acknowledged that, the country continues to show a strong commitment to property rights protection and enforcement.

It is this disturbing trend of video piracy that has led to the emergence and operation of strong anti-piracy movement, which include organizations like; the Motion Pictures Association of America (MPAA), the International Intellectual Property Alliance (IIPA) and the Hong Kong Film and Video Services Ltd. among others. These organizations have been active and resolute in their fight against video piracy. They have made several efforts in fighting piracy notably through, the conduct of special surveys and studies on the activities of pirates across the globe, calling and lobbying for deterring anti-piracy legislations, instituting and financing legal suits against pirates and active participation in special anti-piracy raids (Munoz, 2003; Glickman, 2004).

CNN (2009) reported that the strong global waves of video piracy is also blowing intensely in Nigeria, and shaking the highly promising Nigeria video industry to its roots. Stakeholders in the Nigerian video industry also lamented and complained that, “intellectual thieves (pirates) are digging the grave of the industry and that piracy could kill creativity by stifling investments, growth, development and progress in the cultural and artistic industry” (James, 2007 p. 81).

IIPA & Chowdhury, et al., (2008) acknowledged the high prevalent and “dangerous” rate of video piracy in Nigeria. They compared the high rate of video piracy to be side by side with the software piracy which they stated was 82 percent. Presently, in Nigeria, the rate of video piracy has been observed by the operatives of the video industry and analysts from outside the industry to be very high and alarming, despite the prevalence of some legal provisions prohibiting piracy in the country (IIPA, 2009).

IIPA (2009) observed further that, it was due to the disturbing rate of video piracy in the country that, spurred the Nigerian Copyright Commission (NCC) far back in 2004 to establish an organ, the Strategic Action Against Piracy known as STRAP. STRAP, an operational unit with zero tolerance against piracy, was envisioned with the objective of

empowering local industries and creating opportunities for legitimate distribution of protected works in Nigeria (NCC, 2008).

IIPA (2009) further revealed the following:

The video piracy situation in Nigeria has worsened, with remarkable high quality counterfeit products, indicating a high level of criminality and sophistication not previously noted, particularly with respect to optical discs. Investment losses and level of piracy which have traditionally been very high is getting higher, thus an indicator of serious danger for the video industry. Evidence of arrests and exhibits recovered during various anti-piracy raids conducted in Nigeria suggest that, Chinese and South East Asian pirate gangs have infiltrated Nigeria and set up over a dozen optical-disc operations, some of which are reported to have mastering facilities, and that, the growing piracy rate has destroyed the legitimate market in Nigeria for intellectual property media and digital products. (IIPA, 2009, Special 301, p. 389)

Generally, the above painted scenarios suggest that, the video piracy phenomenon has engendered an industry-based pragmatic problem as well as socio-economic crisis, hence the need for an empirical study to investigate the trend and pattern of video piracy in the Nigerian setting. Thus this study's main objective is to investigate and analyze the trend, pattern and dynamics of video piracy as it affects the Nigerian video industry. Logically therefore, the research questions posed for this study include:

- What is the trend of video piracy in Nigeria?
- How does the video piracy trend in Nigerian differ from the global trend?

### **Problem Statement**

Different and varying trends and patterns of video piracy exist around the globe. In most part of Europe and the USA, the debate and agitations against audio-visual piracy are mostly focused on the internet oriented video piracy, involving file sharing of digital data on computers at different locations. In some other zones, video piracy is patterned along the illegal reproduction and distribution of pirated CDs, VCDs and DVDs, broadcast piracy, parallel imports and exports piracy, theatrical camcorder piracy and back-to-back piracy in countries like the Philippines, China, Malaysia, Taiwan, Thailand, Hungary among others, MPAA, (2004).

Unlike the situations in other big video producing countries like the USA and India, only few studies are yet known to have been conducted on the video piracy phenomenon in Nigeria despite the popularity of the Nigerian video industry as the second largest video

producing industry in the world and the reported obstacles and burdens of video piracy on the nation's video industry. Another challenge is the fact that, almost all the few known studies on video piracy in Nigeria have been conducted by foreign scholars and organizations. Thus, these studies could be said to be from distant foreign perspectives, an element which tends to cast doubt on some of their findings. Apart from operational reports and comments from some video producers and investors in the media and at professional platforms, only one major study has been undertaken by a major stakeholder in the Nigerian video industry, particularly from the regulatory arm, that is the Nigerian Copyright Commission (NCC). Though, a major study from the insiders' perspective, the NCC study (2008) is a broad spectrum survey on copyright piracy in Nigeria. It is not specifically focused on video piracy and hence not quite exhaustive.

The dearth of literature on the dynamics of video piracy in Nigeria; the lack of specific studies from insiders' research perspective on video piracy in Nigeria which constitute a knowledge gap; and the non exhaustiveness and non specificity of the NCC (2008) study on the video piracy, altogether constitute the research problem of this study. Thus, this research problem necessitates and justifies the need and essence of this present study that is set to investigate and reveal the trend, dynamics and pattern of video piracy in Nigeria.

### **Significance of Study**

The essence of this study lies in the revelation of the main and operational dynamics constituting the trend and pattern of the video piracy infrastructure, a revelation that engenders and facilitates effective strategies and means towards resolving the problem and challenges posed by the piracy phenomenon. The study further contributes to enrich the literature on videography and the global discourse on video piracy. It also offers an opportunity for strategic conflict management and peace building in Nigeria, particularly in Lagos. The findings of this study would also act as catalyst in spurring the government into crisis prevention actions to avert any possible disruption of peace in Lagos state and Nigeria

### **Literature Review**

Generally, there are two main perspectives in the literature on the video piracy discourse on the trend and pattern of video piracy globally. The first perspective is upheld by the anti- piracy movement which is a conglomerate of film and video investors and production companies, while the second perspective is presented by a group being referred to in this study as the free-media movement. The group is a loose federation of individuals and organizations advocating the freedom of the new digital information technology and restraint

of the excesses of the anti-piracy movement against information technology and peoples' free access to information in public space.

The perspective of the video piracy discourse being projected by the anti-piracy movement in the literature suggest that, the video piracy phenomenon is a serious issue that is presently engaging the attention of investors and producers in the global video industry. The anti-piracy movement also contended that the governments of many countries are beginning to get worried and more involved in taking steps towards solving the problems posed by the phenomenon. In the USA, the trend of video piracy is reportedly threatening and causing huge losses to investors in the industry (LEK Study Report, 2004).

The trend of the phenomenon in the USA is characterized by digital file sharing of data and information through various personal and organizations' computers (MPAA, 2005). Treverton, et al., (2009) stated that, video piracy is linked with global terrorism and that piracy and counterfeiting of other products has been providing cheap funds for financing the activities of terrorist groups across the globe. Similarly, Chen, (2008) stated that, the video piracy trend is seriously alarming, threatens and endangers the entire video industry in France which is characterized largely by the prevalence of peer-to-peer file sharing (P2P) traffic.

The trends of video-film piracy are also said to be high in the United Kingdom (UK), Canada and Australia, such that, it is common to find severe penalties for violating the copyrights and intellectual property laws, and such provisions with the potential of "million dollar" fines and prison sentences (Geist, 2007). Motion Picture Association of America [MPAA], (2005) further argued that the trend of video piracy phenomenon is very high in India such that it's seriously affecting the revenues of the theatres negatively. Generally, apart from the trend of video piracy being reportedly high in most part of the globe, the pattern of the phenomenon has been associated with terrorism and criminality of serious consequences (Treverton et al., 2009).

Furthermore, the trend of video piracy in Nigeria has been reported to be similar to that of the countries highlighted above. CNN (2009) reported that, the trend of video piracy in Nigeria is high to the extent that, it is capable of causing the death of the nation's video industry. Eddie Ugbomah (as cited in IIPA, 2009) stated that, "I no longer release videos or DVDs into the Nigerian market for my fear of no returns on the investments, so I have made up my mind not to release VCDs in the present circumstance" (p. 389). Emmanuel Isikaku the president of the Film & Video Producers and Marketers Association of Nigeria also argued that, the trend of video piracy is high and quite disturbing as most of his members are

losing huge sum of their investments and expected profits to the pirates (CNN, 2009). James, (2007) stated that, the pirates constitute a big threat to the growth and development of the Nigerian video industry as he compared their activities to digging the grave of the industry and killing creativity through the stifling of investments and progress in the promising cultural industry” (p.81).

While the above review of the perspective of the anti-piracy movement generally suggests and shows that, the global and Nigerian trend and pattern of video piracy phenomenon is high and characterized by criminality, a section of the free- media movement argued that, the purported high rate of video piracy particularly in the USA has been inflated and politicized by the big entertainment companies under the umbrella of the Motion Pictures of Association of America (MPAA). Some free-media elements argued that, rather than video piracy being a negative phenomenon, it constitutes a positive development to the global video entertaining industry, as it helps to popularize the audio-visual products and extend the global market for the products (Larkin, 2004).

The free media vanguards holding the “opportunistic and simplistic” views on the video piracy question denied the destructive tendencies of piracy to video investments and trivialized the claims of huge losses and pains of producers and copyright owners. This set of free media vanguards are usually bent on taking copyrighted works for personal and commercial benefits, without minding the consequences and on who whatsoever. Most of those who propagate these opportunistic and simplistic views are the students and the youths (MPAA, 2005; Uzelac 2008).

Green, (as cited in Technology report, 2004) argued that, what some entities regard as piracy is just mere acts of temptation in the urge of satisfying entertainment needs and not a crime as its being portrayed. Similarly, Mason (2009) also contended that, pirates constitute an essential part of the capitalist system and that; it’s reasonable to say that, online video pirates will always be around for their share of the capitalist profit-cake. He argued further that, “they are a vital part of a healthy capitalist system and we need free market extremists at the edges of the market and government” (para. 4).

Opposing the views of the anti-piracy movement on the scenario and trend of video piracy in Nigeria, Larkin (2004) argued that, it is “dangerous to reduce piracy to legal question alone without “seeing through” the phenomenon itself or engaging it in comprehensive and critical analyses” (para. 2). He further argued that, piracy is not simply parasitic, but generative, it doesn’t simply corrupts, but builds and that it is not merely a neutral conduit of cultural products traffic, but a mediating force. He cited the case of Nigeria

as an example of a socio-economic and cultural context where the piracy infrastructure has played double edged (positive and negative) roles (Larkin, 2004, para. 5 & 6). Larkin (2004) concluded that;

The Nigeria's video industry has pioneered a new film form (video format) and generated an entirely novel form of reproduction and distribution, but to do this, the industry had relied on the capital, equipment, personnel and distribution networks created to facilitate pirate media" (para. 4).

### **Theoretical Framework**

This study is premised on the diffusion of innovation theoretical framework as thought and explained by Everett Rogers. The adoption of this diffusion of innovation (DOI) theory is for it to serve as theoretical guide for this study and as well a tool to be used for the interpretation of the findings of this study. This is in line with the culture of theories usage in research by scholars of qualitative studies (Silverman, 2010).

Rogers (2003) defined innovation as an idea, practice or object perceived as new by an individual or other units of adoption. Thus, Rogers in his diffusion theory explained how innovations are spread and adopted in a social system. The concept of innovation is understood to mean an invention, while an invention can be an idea, a sketch or model for new or improved device, product, process, or system. The theory assumes that the social system, such as norms, cultural or religious values, can affect an individual or group's adoption or use of an innovation and at varying degrees.

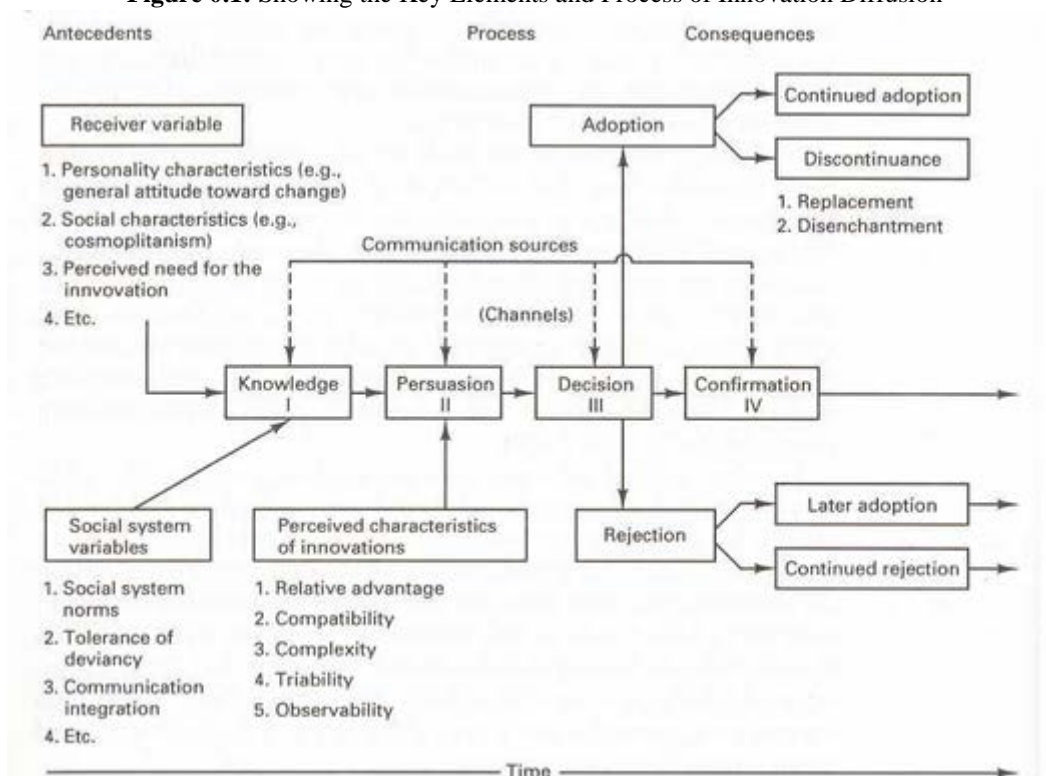
A good understanding of the diffusion of theory will necessitate the highlight of some essential characteristics of the theory which include; key elements of diffusion of innovation process; types of innovation decision process; stages of innovation adoption process as well as the types of innovation adopters. There are four key elements that must be present in the process of diffusion of innovations. Rogers identified the elements as; (1) innovation (2) types of communication channels (3) time or rate of Adoption and (4) the social system that frames the innovation decision process. There are also three types of innovation decisions within the diffusion of innovation process, namely; (1) optional innovation decision (2) collective innovation decision and (3) authority innovation decision (Rogers, 2003).

Rogers (2003) further identified five stages of innovation adoption process, for a deeper insight into the functional dynamics of the diffusion theory and its better understanding and application to daily individual and societal problems. The five stages of innovation adoption include: (1) knowledge stage; (2) persuasion stage; (3) decision stage; (4) implementation or adoption stage; and (5) the confirmation stage. On a concluding note,



Rogers identified five different types of adopters which include; (1) Innovators or (ventures Oriented); (2) Early adopters (who are usually respectable); (3) Early majority (who usually take deliberate decisions); (4) Late majority adopters (who are usually skeptical); and (5) the Laggards, (who are usually traditional and conservative in their outlook and attitude), (Rogers, 2003). The figure 0.1 shown below presents the key elements of the process of the diffusion of innovation theory.

**Figure 0.1:** Showing the Key Elements and Process of Innovation Diffusion



Diffusion of innovation model. Source: Rogers (1995)

## Methodology

The qualitative research design was adopted for this study. Ogunbameru (2004) stated that, design in research may refer to the “total methodology of; selecting the subjects or other sources of information, the choice of sample to study, as well as the basic framework to be used in gathering information, organize and interpret results” (p. 38). Essentially, the case study approach was adopted using Lagos state, the largest metropolitan mega city in Nigeria as the focus to represent the Nigerian society. A triangulation of in-depth interviews, focus group discussion and document analysis was also adopted to collect the needed data from various segments of the Nigerian video industry for this study. A combination of the interpretive and critical analytical techniques was also used for the analysis and interpretation of the findings of this study.

A total of 42 respondents were engaged in in-depth interview sessions involving the following categories of respondents: one senior law enforcement agent (police); two government information ministry officials; thirteen video marketing executives; three video movie stars; three officers of professional video associations (one representative of the Yoruba Video Producers and Marketers Association; one representative of the Lagos State Video Club Owners and Rental Association and one member of the Guild of Video Film Actors); 17 prominent video producers and executives; two fan members of Nigerian video and one official of the Nigerian Copyright Commission, (NCC).

Similarly, two sessions of focus group discussion (FGD) were conducted. The FGD involved a total of 18 respondents from various segments of the Nigerian video industry. Nine respondents took part in each of the discussion sessions, involving two video producers, two video marketers, two video movie stars, one representative from the National Copyright Commission, one representative of the Association of Video Producers and Marketers and one representative of the Association of Video Club Owners. Each of the discussion sessions lasted for two hours, thirty minutes on two different days.

The in-depth interviews and focus group discussions were guided by a specially planned interview protocol guide (Appendix....). The judgment sampling model which is also referred to as the open sampling system was adopted for this study. This form of sampling agrees with the basic and general orientation on sampling in qualitative research. It is a kind of flexible sampling method which allows a researcher to interact and extracts relevant and needed information from as many respondents or participants in the research as possible up to the point of saturation or data saturation. Thus, the interviews and discussions were held until the point of saturation of ideas and information was reached and the interviews therefore concluded.

Apart from recording all the interviews audio and visually, this researcher further took detailed field notes throughout the research period and was also engaged in continuous deep reflections on various issues that arose in the course of the series of interview throughout the research activity. This researcher was also engaged in continuous and simultaneous analysis of issues which guided the trend of the research while on the field, before the final data analysis.

Several relevant documents were also analyzed as complementary sources to the interviews and discussions. The documents include: general and specialized official reports, journal articles, special research reports from various relevant organizations related or

associated with the Nigeria video industry, libraries, media houses and the law enforcement and security agencies.

The units of analysis are rooted in the research questions for this study. The units of analysis include:

- Video piracy phenomenon.
- Trend and pattern of video piracy.

The above highlighted units of analysis were the main focus and themes which the whole data collection and analytical activities revolved round, including the discussion of the findings of the study.

### **Data Analysis Procedure**

Miles and Huberman (1984) identified three crucial stages in ----- namely: data reduction; data display; and conclusion drawing from data. Knafl & Webster (1998) had also suggested on data reduction that, data should be selected, simplified, abstracted and equally transformed into manageable and meaningful form based on the respondent participants' direct narrative accounts.

Based on the above highlighted guiding principles and techniques recommended by scholars, this researcher took several practical analytical steps to achieve effective, systematic and result- oriented data analysis that is presented below. The study was undertaken by this researcher for a period of six months.

### **Data Presentation and Analysis**

The focus of this section is the systematic presentation of the data collected for this research, as well as the simultaneous analysis of the data. The data presentation and analysis is focused on the identified units of analysis as featured in the research questions for this study. The units of analysis which are however rooted in the research questions include;

- Video piracy phenomenon in Nigeria
- Trend, pattern and dynamics of video piracy in Nigeria

A specially designed coding system was adopted to refer to the participant-respondents from whom the data for this study were collected. Thus, in the coding for the data, pseudo names have been used along with special abbreviations for all the categories of respondents for security reasons. The key for the coding and reference includes; **(EA)** = Enforcement Agents, **(GV)** = Government Officials, **(MK)** = Marketers **(MS)** = Movie Stars, **(PA)** = Professional Associations **(RG)** = Regulators **(FM)** = Fan Members and **(DE)** = Discourse Extract.

Five sub-themes and issues emerged prominently from across all the respondents in the data collected. These include;

- The confirmation of Lagos status as a hot spot of video piracy;
- The secrete nature and criminality of the operations of video pirates;
- The ethnicity dimension of video piracy in Lagos;
- The use of sophisticated technology in video piracy;
- The prevalence of internet and television video piracy in Lagos.

On the first emerged sub-theme, “the confirmation of Lagos as a hot spot of video piracy” all the respondents interviewed acknowledged that Lagos (particularly the Alaba International and Oshodi Markets) is the hot spot for video piracy in Nigeria. They equally revealed that, video piracy trend is quite alarming and outrageous in Lagos, and from where it spreads to other parts of the country and West-African sub-continent. Some of the respondents when asked about the trend and nature of video piracy in Lagos respond as follows:

PA. Innocent, a popular video movie producer comments that “the rate of piracy here in Lagos is so high and crazy to the extent that, the sense of security for producers to invest in “Nollywood” is fast diminishing” (PA. Innocent, Personal Communication, July 3, 2012, D.E: 01). Another respondent, MK. Ojo, a video marketing executive states that, "although, this problem has been there for some time ago, but now, Lagos is becoming unsafe for video film business due to the alarming rate of piracy” (MK. Ojo, Personal Communication, September 15, 2012, D.E:02).

Similarly, a senior officer at the Lagos zone of the Nigerian Copyright Commission (NCC), attests to the fact that “Lagos is a prime centre of video and other forms of copyright piracy in the country going by the results of our recent official survey” (RG. Officer, Personal Communication, April 18, 2012, D.E: 03). Similarly, a prominent Lagos based film producer PR. Dende whose series of films were seriously hit and pirated all at a go recently also states that;

Now today in Lagos, there is general breakdown of law and order concerning movie and film investments. The capital of piracy in Nigeria is here in Lagos in Alaba International market. It’s the main distribution point with extensive network, not only limited to Lagos, but also to the South-west and other parts of Nigeria. The problem of video piracy as it is today is giving Lagos state a bad name and we feel

the government should be seriously concerned about this ugly and destructive tendency and development. (PR. Dende, Personal Communication, July 6, 2012, D.E: 04)

NCC (2008) survey report on copyright piracy in Nigeria also corroborates this finding of high level of video piracy rate when it revealed that, the general piracy rate in Nigeria, particularly of books, music and video movies has seriously increased remarkably in Lagos, Port Harcourt, Bauchi, Anambra and Kaduna and currently estimated at 58%. Similarly, the survey report further stated that, 73% of the respondents engaged on the in the survey on the issue of copyright piracy trend confirmed that it is on the increase. (p. 32-33 & 44) The table below presented also corroborates the assertion being made about the high level of the trend of copyright piracy.

**Table 0.1:** Respondents' Views on Trend of Copyright Piracy in Nigeria

Respondents' Views on Trend of Copyright Piracy	Stakeholder Categories						Total	
	Consuming Public		Enforcement Agencies		Policy Markers			
	No.	%	No.	%	No.	%	No.	%
Increasing	1,645	72.6	176	81.1	24	55.8	1845	73.00
Decreasing	366	16.1	29	13.4	17	39.5	412	16.30
Don't Know	256	11.3	12	5.5	2	4.7	272	10.70
Total	2,267	100	217	100	43	100	2527	100.00

**Source:** (Nigerian Copyright Commission (NCC) Survey of Copyright Piracy in Nigeria, 2008, p. 44).

The features of the trend and pattern of video piracy as presented through the comments of respondents presented above suggest that, the Lagos environment is an active video piracy zone. Thus, the situation as it is calls for alertness and serious concern on the part of all stakeholders in and out of the video film industry, particularly the government, both at the state as well as the federal level. This serious attention is necessary because of the various socio-economic and political consequences which such tense and polarized situation may attract or lead to.

The importance of the call for alertness and seriousness on the part of all stakeholders is further evidenced within the context of the theoretical interpretation of one of Rogers

(2003), postulations on the diffusion of innovation theory which emphasizes the likely greater impact and influence of “authority decision” over the “social system” of a given society or on certain individuals or group of people, in the diffusion of an innovation over a period of time. The implication of this postulation is that, the rate of adoption of a negative innovation such as that of video piracy could be influenced by the nature of the authority decision in the society whether as indecisive, negligent, active or tough.

On the second emerged sub-theme, “the secret nature and criminality of the operations of video pirates,” most of the respondents revealed that, video piracy in and around Lagos is heavily shrouded in high level secrecy and criminality. Thus, they contended that, the secret style of pirates has always made the problem difficult to tackle. When some of the respondents were asked about the manner of operations of the video pirates in Lagos, these were some of their responses:

PA. Ojo, a respondent, who is a video producer, states that “video piracy is a strong network of underground criminals who operate from hideouts in the big Lagos markets of Alaba and Oshodi” (PR. Ojo, Personal Communication, July 9, 2012, D.E: 05). Similarly, MK. Ola, a video marketing executive also stated that, “Video Piracy is a highly secretive business and the operators are so powerful and connected. Their targets are usually good films that can command good sales in the market which they dub in thousands” (MK. Ola, Personal Communication, July 18, 2012; D.E: 06).

Respondent MK. Jide, a marketer equally supports MK. Ola and stated that, “piracy in Lagos is like a cult, they operate underground. Alaba market is a strong piracy base in Lagos” (M K. Jide, Personal Communication, September 21, 2012, D.E: 07). Respondent MK. Thomas, a marketer also stated that “The pirates operate as gang stars and mafia. They spend so much money to protect their evil operations. So, all stakeholders in the video film industry should also think and work together to eradicate this evil” (MK. Thomas, Personal Communication, September 25, 2012, D.E: 08).

An officer of the Video Producers and Marketers Association of Nigeria P.A. Marin, during a focused group discussion further stated that;

During our surveillance activity, we gathered that, there is a particular building being referred to as strong house in Alaba market, which doesn’t have staircases, but stocked with DVD reproduction machines. Access is usually gained into this production point through the use of ladder in order to prevent entrance of unwanted persons. (PA. Marin, Personal Communication, September 12, 2012, D.E: 09)

The alleged characteristics of Lagos as the “hot spot” for video piracy, with an “outrageous alarming” video piracy rate, shrouded in “deep secrecy and criminality” simply presents Lagos as an active zone of criminals where lives, properties and investments may not be really safe. Consequently, such bad image may be associated with possible negative effects on economic growth particularly on investments, both from internal and external sources. Practically, the prevalence of products counterfeiting, may also instill fear and scare away operating and prospective investors in Lagos and the entire country Nigeria.

Another socio-political implication of the situation engendered by piracy in Nigeria is evident in the fact that, any state or country that has been profiled and tagged with high rate of criminality, such as copyright piracy may not enjoy good relationship, image, and benefits in the comity of nations, nationwide or globally. Such nation or state may suffer economic isolation and variety sanctions, as other nations may be scared of losing out by trading with such state or country.

On the third emerged sub-theme, “the ethnic dimension of the trend of video piracy”, raised by some respondents. A particular ethnic group namely the Igbos (of Eastern Nigeria origin), specifically a section of the Igbo traders and merchants at Alaba and Oshodi markets were indicted as the main perpetrators of video piracy in Lagos. A respondent, who is a popular video film producer PA. Olododo, accused a section of the Igbo merchants of pirating his new popular film recently. Sweating profusely during the interview, he lamented that;

My film was being hawked at the Igbo merchant outlets by their boys at all popular motor parks in Lagos. I couldn’t believe what I saw during my survey around the markets in Lagos here. Who knows what is happening with my video release in other states. (He further screamed and threatened that) these people (meaning Igbo merchants) will not go free with this crime “En- en-en” they are inviting another tribal and ethnic conflict in Lagos, let’s wait and see. (PR. Olododo, Personal Communication, September 12, 2012, DE:10)

Another popular video producer, PR. Owo stated that;

Frankly speaking most of the video piracy cabals are the Igbo merchants based in Alaba markets. These people are bent on hijacking the video business under the guise of being video producers and marketers. I strongly believed that they must be stopped in this illegal business. (PR. Owo, Personal Communication, September 15, 2012, DE: 11)

The ethnicity dimension of video piracy in Lagos is another dangerous factor that could lead to ethnic conflicts and political instability of the state. This trend could also engender insecurity and loss of lives, properties and investments particularly in the circumstance where this trend degenerates into ethnic clashes and violence, should the government fail to take urgent, far reaching and practicable steps towards eradicating video piracy to at least an insignificant tolerable level. Analysts in the field of peace and conflict studies argue that, atoms of conflict when unattended to or mismanaged snowball into big and devastating conflicts. Therefore, an urgent action taken by the government to rescue the situation will not only end the frustration of the operatives of the video industry, but save investments worth millions of naira.

The fourth emerged sub-theme, “the use of sophisticated technology in video piracy” was another issue that arose under the trend of video piracy in Lagos. Respondents generally commented on the use of sophisticated technology in pirating video movies that, it is now difficult to differentiate pirated copies from the original versions. MK. Ofe, an executive video marketing officer commented that;

Some years back, one distinguishing factor between pirated movie copy and the original was the poor quality of the pirated copy, but these days, these criminals now produce pirated copies with amazing good quality, such that, it takes great expertise and some security features to distinguish between the original and fake. (MK. Ofe, Personal Communication, September 27, 2012, D.E:12)

A peculiar type or strategy of video piracy however emerged prominently in the data. This refers to what is called the compressed “multiple-in-one DVD” format of pirated videos. All the respondents, even the consuming public respondents attested to the prevalence and sensitivity of this emerging pirate format of DVD; which use to contain 8-20 different editions of old and new video films being offered for sale at lower prices than for the single edition of legitimate new video movie.

The surprise and frustration engendered by this pirate format of packaging is evident in the comments of most respondents. A popular producer, PA. Wale lamented “do these pirates want us to have heart attack and die of hypertension, when they now compress 10-20 films in one DVD and sell it at a lower price than one new video film”? (PA. Wale, Personal Communication, September 18, 2012, D.E:13). Another video marketer respondent stated that, “Please, help us tell the government not to allow the pirates to kill us, my brother, can’t



you see that (showing some samples of pirated multiple-in-one movie packets to this researcher), the new strategy of multiple-in-one is killing us in this film business” (MK. Jeje, Personal Communication, September 30, 2012, D. E: 14).

Another problematic issue about the “multiple-in-one DVD” pirate format as pointed out by respondents is the fast rate of release of the pirated copies. An executive officer of a prominent video marketing company, MK. Idris who was almost shedding tears during the interview with him, lamented that:

The speed and rate at which pirated copies of video films in DVD are released is quite alarming and leaves much room for suspicion. It’s so serious and worrisome that pirated copies are released just a day or two after the release of the original version, and thereby destroying the market for the original video movies. (MK. Idris, Personal Communication October 3, 2012, D. E: 15)

The present use of sophisticated technology by pirates in Lagos as well as the strategy of compressed multiple-in-one-DVD format to compete for market attention simply confirm and explain the intensity and seriousness of the crime, as well as the determination of the pirate gangs to take over the industry from legitimate producers and right owners. This tendency, similarly portends a bad omen for the Nigerian video industry generally and particularly Lagos state, socio-economically.

The fifth emerged sub-theme is “major prevalent types of video piracy” in Lagos. Apart from the VCD-DVD multiple-in-one pirated format that has been noted above, other prominent types of piracy that emerged in the data collected include; internet piracy, particularly on You-Tube, the cable and terrestrial television stations video piracy. Respondents acknowledge that, the internet piracy is perhaps very popular among students of higher institutions, while the television piracy is common among the terrestrial stations.

A representative of the Nigerian Association of Video and Film Producers, P.A. Tomtom, stated that:

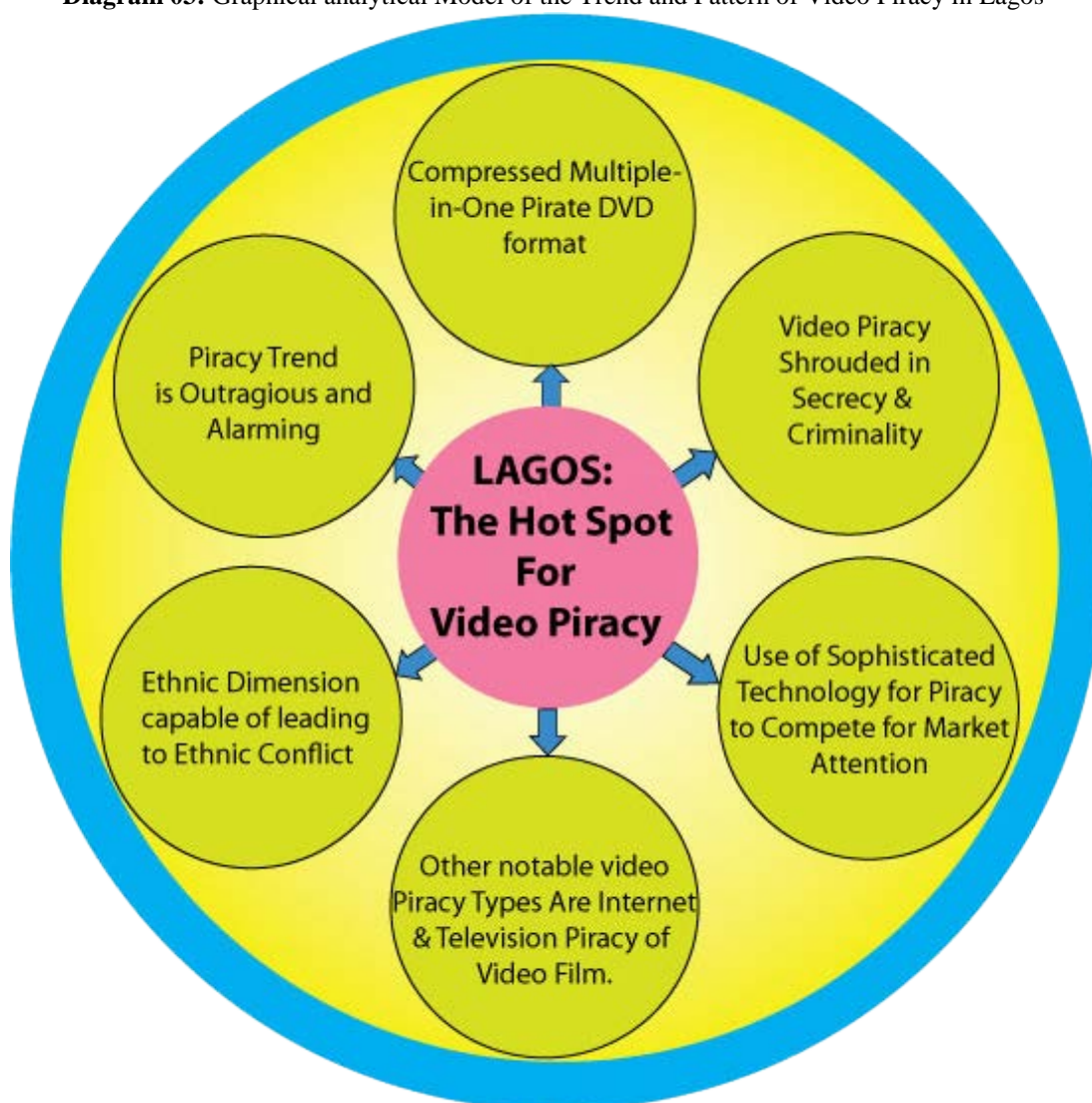
It is unfortunate that Nigerian video films are just being posted and wickedly hosted on the You-Tube freely and indiscriminately without regards for the interests of the producers who are trying their best to contribute their quota to national and world cultural development. Our investigations reveal that most youths in the Nigerian institutions watch Nigerian movies freely on You-Tube (P.A. Tomtom, September 15, 2012, DE: 16).

Another popular video producer, P.R Bobo stated that:

It is shameful that our local televisions stations who are supposed to be contributing positively to the economic growth of the creative entertainment industry are also involved in pirating Nigerian movies which they well know are private initiatives. I mean it is a disgrace for these stations to be involved in this kind of indecent acts. Anyway the producers and investors are equally preparing for a big fight with these enemies of progress. This cheating must stop, it can't continue this way if we really want to develop (P.A. Bobo, September 21, 2012, DE: 17).

The diagram presented below is the graphical analysis of the trend and pattern of video piracy in the Lagos axis of the Nigeria environment based on the data collected for this study.

**Diagram 03:** Graphical analytical Model of the Trend and Pattern of Video Piracy in Lagos



## **Discussion of Findings**

This discussion section of this study is to ensure a good understanding and interpretation of the research findings and the entire study in general. Hess (2004) argues that, the essence of a discussion section of a research is to explain the meaning of the results to the reader. Hess further states that, some essential elements which the discussion should necessarily feature include; stating the major findings and as well as the importance and relevance of the findings; relating the findings to that of the other similar studies; acknowledging the study's limitations and as well making necessary suggestions for the direction of future research activities (Hess, 2004).

## **Theoretical Analysis and Importance of the Findings of the Study**

This section of the study focuses on the theoretical linkage and analysis of the above highlighted findings, followed by the examination of importance of the findings respectively. The theoretical linkage and analysis of the diffusion of innovation theory to this study takes the form of using some of the key theoretical assumptions and postulations of the diffusion theory to dissect and interpret some key findings of this study.

First, an appraisal of video piracy phenomenon within the theoretical postulation template of the diffusion of innovation theory shows that, though the rate of pirates' operations is alarming and outrageous, aided by digital communication channels of VCD, DVD and the Internet, yet the rate of adoption of this "negative innovation" of video piracy is still within the range levels of "innovators and early adopters", but has not reach the majority adopters or critical mass level among the Nigeria public.

Evidence from documents analysis supports this view. NCC (2008) piracy survey report stated that, 92% of the respondents (as against 2.80%) covered in the survey agreed and saw that copyright piracy as morally wrong and unjustifiable (p. 29). Similarly, the NCC survey report further indicated that, respondents' attitude and behavior towards copyright piracy show that a significant majority of 87% (as against 6.74%) disagree with copyright piracy including video piracy (NCC, 2008, p. 26).

Furthermore, the theoretical interpretation and implication of the present level of video piracy in Lagos, Nigeria is that, the government and other stakeholders in the video industry need to work hard, strive and act fast to prevent the "negative innovation" of video piracy from moving from its present level to that of the majority adopters or critical mass level, which might not only constitute more serious dangers and destruction to the video industry and the state, but also may proof so difficult to control at that level of critical mass embracement.

On the importance of the findings on this study, this researcher is interestingly inclined to state that, the importance of the above highlighted set of four-piece findings are inherent, and evident in the surprising and highly sensitive revelations of the findings, as these findings may act like catalyst in spurring the government into crisis prevention actions to avert any possible disruption of peace in Lagos state and Nigeria due to provocations of video investors or ethnic crisis arising remotely from video piracy.

The importance and relevance of the findings of this study is further evident in the fact that, it reveals the sensitive dynamics and elements of the video piracy phenomenon, as well as the operational strategies of the video pirates. This exposure will most likely be useful in the planning and execution of future anti- piracy measures. The findings also serve the purpose of scientific instrument, reliable evidence and opportunity for stakeholders and concerned authorities to have a clear and better understanding of the true nature of the video piracy problem in the Nigerian context, and thus, help in guiding them towards taking appropriate steps to solving the problem.

The finding on the ethnic dimension of the trend and pattern of video piracy has a high potentiality of contributing significantly to the maintenance of peace and stability of Lagos State, by providing a reliable evidence for the government to take pro-active steps towards preventing a potentially dangerous ethnic conflict between the Yoruba and Igbo tribes in Lagos State.

The above cited five-piece findings on the trend and pattern further provide a good basis and valuable evidence for necessary legal and structural reforms in the Lagos axis of the Nigerian video industry by both the state and federal governments, particularly the Lagos State government. Finally, this set of findings also provide valuable evidence for the Lagos State government to take very drastic steps towards stopping the continuity of video piracy in the state and as well towards the redemption of the bad name the perpetrators of video piracy has given the state.

### **Linkage of Findings with Other Studies**

Most findings of this study are quite consistent with the findings of the studies by the International Intellectual Property Alliance, IIPA, (2009), the Nigerian Copyright Commission NCC, (2008), and the study by Chowdhury et al. (2008). The findings are also consistent with those of some similar studies focusing on the global space of piracy discourse. Such studies include the ESA study (2005) and Cheng (2008). However, the finding on the ethnicity dimension of video piracy in Lagos is a new development that has not been captured by any previous study on the trend and pattern of video piracy in Nigeria.

### **Limitations of the Study**

The scope of this study has been limited to the investigation of the trend and pattern of video piracy in Nigeria. Similarly, the fact that, the study adopted the case study approach, though allowing for much depth and deep understanding of the subject of study, may not allow the generalization of the result to other situations. Some scholars however argued that, findings of case study research, are reliable and valuable contributions to knowledge in their own right and such findings can be applied to similar cases or circumstances.

Another point of limitation of this study is that, all the participants in the research were drawn only from Lagos state and this would have probably denied some other prospective resourceful participants, from other parts of Nigeria the privilege of contributing their ideas which could also have further enriched the study and its findings. Although, the choice of Lagos as a case study has been partly due to the fact that, it is practically impossible, particularly due to financial, logistic and time factors to have engaged all eligible participants from across the country, and also for other several strategic and security reasons, Lagos had to be chosen as the case study of this research.

### **Conclusion**

The successful attempt of this study in answering the research questions earlier posed for the study can be noted as a valuable academic activity which has contributed generally to the body of knowledge, and particularly to the knowledge and better understanding of video piracy phenomenon and discourse both at the global level and the Nigerian media space.

This study in line with the set research objectives has interestingly revealed the true reality about the trend and pattern of video piracy in Nigeria, through the Lagos case study of video piracy. This researcher is inclined to argue that, the findings of this study which revealed that, the rate of video piracy in Lagos is highly alarming and perpetuated with high level secrecy and criminality, as well as with the use of sophisticated technology, including the perpetuation of video piracy on the internet and by Nigerian television stations directly answers the first research question of “What is the trend, pattern and dynamics of video piracy in the Lagos axis of Nigeria” (R Q. 1). Secondly, the side by side exposition of the trends of video piracy at both the Nigerian and global contexts, an attempt which reveals the similarities and differences of the two terrains answers the second research question “How does the trend and pattern of video piracy in Nigeria differ from the global video piracy trend” (RQ2).

To finally conclude this study, this researcher is inclined to suggest the following recommendations for the strategic and effective control of video piracy in Nigeria. The

recommendations will include; Reforming the Copyright Laws and Legal Framework; strengthening the regulatory agencies; updating enforcement strategies; initiating additional production strategies and the consideration of new marketing and collaborative strategies;

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